

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Second Application by BellSouth
Corporation, BellSouth Telecommunications,
Inc., and BellSouth Long Distance, Inc., for
Provision of In-Region, InterLATA Services
in Louisiana

CC Docket No. 98-121

RECEIVED

AUG - 4 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

APPENDIX TO COMMENTS OF AT&T CORP.
IN OPPOSITION TO BELL SOUTH'S SECOND
SECTION 271 APPLICATION FOR LOUISIANA

VOLUME II

Affidavit of Jay M. Bradbury
and
Attachments 1 - 4

Filed August 4, 1998

**APPENDIX TO COMMENTS OF AT&T CORP.
IN OPPOSITION TO BELL SOUTH'S SECOND
SECTION 271 APPLICATION FOR LOUISIANA**

CC Docket No. 98-121

TAB	AFFIANT	SUBJECT(S) COVERED	RELEVANT STATUTORY PROVISIONS
A	Michelle Augier	AT&T Market Entry	§ 271(c)(1)(A), (c)(2)(B), (d)(3)
B	*William J. Baumol	Public Interest	§ 271(d)(3)(C)
C	*Robert H. Bork	Public Interest	§ 271(d)(3)(C)
D	Jay M. Bradbury	Operations Support Systems, Directory Listing, Number Portability, Resale	§ 271(c)(2)(B)(ii), (vi), (viii), (xi), and (xiv)
E	Robert V. Falcone	Unbundled Network Elements: Combinations	§ 271(c)(2)(B)(i), (ii), (v) and (vi)
F	Gregory R. Follensbee	Unbundled Network Elements: Pricing	§ 271(c)(2)(B)(i), (ii)
G	John M. Hamman	Unbundled Switching, Intellectual Property, Reciprocal Compensation	§ 271(c)(2)(B)(ii), (vi) and (xiii)
H	Donna Hassebrock	ADL, Interconnection, Operations Support Systems, Directory Listings, Number Portability	§ 271(c)(2)(B)(i), (ii), (viii) and (xi)
I	R. Glenn Hubbard and William H. Lehr	Public Interest	§ 271(d)(3)(C)
J	Patricia A. McFarland	Section 272 Compliance	§ 271(d)(3)(B)
K	Philip I. Miller and Dean A. Gropper	Public Interest - ILEC Ability to Harm Competition	§ 271(d)(3)(C)
L	Sharon Norris	Louisiana Public Service Commission Proceedings on Operations Support Systems	§ 271(c)(2)(B)(ii)

TAB	AFFIANT	SUBJECT(S) COVERED	RELEVANT STATUTORY PROVISIONS
M	C. Michael Pfau and Katherine M. Dailey	Performance Measurements	§ 271(c)(2)(B)(i), (ii) and (xiv)
N	Jordan Roderick	PCS	§ 271(c)(1)(A), (d)(3)

* Affidavits marked with this are as originally filed in CC Docket No. 97-231

MISCELLANEOUS APPENDIX

TAB	DESCRIPTION
O	Order, <u>AT&T Communications of the Southern States, Inc. v. BellSouth Telecommunications, Inc.</u> , No. 5:97-CV-405-BR (Eastern District of North Carolina, Western Division May 22, 1998)
P	Recommended Decision, Pennsylvania Public Utility Commission, <u>Petition of Bell Atlantic - Pennsylvania, Inc. For a Determination of Whether the Provision of Business Telecommunications Services is Competitive Under Chapter 30 of the Public Utility Code</u> , Docket No. P-00971307 (July 24, 1998)

1000

D

.

22

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Second Application of BellSouth Corporation,)	CC Docket
BellSouth Telecommunications, Inc., and)	No. 98-121
BellSouth Long Distance, Inc., for Provision of)	
In-Region, InterLATA Services in Louisiana)	

AFFIDAVIT OF
JAY M. BRADBURY
ON BEHALF OF
AT&T CORP.

AT&T EXHIBIT D

TABLE OF CONTENTS

	<u>Page</u>
I. PURPOSE AND SUMMARY OF AFFIDAVIT	4
II. BELLSOUTH HAS NOT PROVIDED CLECS WITH THE ASSISTANCE NECESSARY FOR PROPER IMPLEMENTATION OF ITS INTERFACES	16
A. BellSouth Has Failed To Implement, or Follow, an Adequate Change Control Procedure	18
1. The Sunsetting of EDI-6	25
2. USOCs For Directory Listings Orders	29
3. Complex Directory Listings	32
4. Number Portability	33
B. BellSouth Has Failed To Provide the Necessary Business Rules To CLECs	35
1. UNE Combinations	38
2. Miscellaneous Account Numbers	42
3. Disconnect Orders	44
4. CGI Specifications	45
5. Directory Listings	45
C. BellSouth's Policies Regarding Orders For Subsequent Partial Migrations: A Case Study of the Lack of Change Control and BellSouth's Failure To Provide Business Rules	47
III. BELLSOUTH STILL DOES NOT OFFER NONDISCRIMINATORY ACCESS TO OPERATIONS SUPPORT SYSTEMS	60
A. Pre-Ordering	61

	<u>Page</u>
1. EC-Lite	62
a BellSouth Continues To Deny CLECs the Same Ability To Obtain And Reserve Firm, Calculated Due Dates That It Enjoys In its Retail Operations	64
b EC-Lite Denies CLECs the Ability To View CSRs of UNE Customers	76
c EC-Lite Denies Parity of Access To Customer Service Record Data	77
d EC-Lite Denies CLECs Numerous Other Functionalities That BellSouth Enjoys In Its Retail Operations	80
2. LENS	81
a LENS Cannot Be Integrated With a CLEC's Systems or With EDI In a Manner That Provides CLECs With Nondiscriminatory Access	82
b The Multiple Screen, Repetitive Nature of the LENS Process is Discriminatory	88
c LENS Lacks Other Functionalities That Are Available To BellSouth's Retail Operations	89
B. Ordering and Provisioning	92
1. EDI	94
a EDI's Ordering and Provisioning Capabilities Still Require A Discriminatorily High Degree of Manual Intervention	95
b EDI Does Not Provide the Same Ordering Capability As That Enjoyed By BellSouth's Retail Operations	103

	<u>Page</u>
c EDI's Batch Process Delivery Method is Discriminatory	107
d The Level of Detail In the Firm Order Confirmation and Completion Notices That BellSouth Provides to CLECs Via EDI Is Inferior To the Analogous Information To Which BellSouth Has Access In its Retail Operations	109
2. LENS	112
C. Maintenance and Repair	113
D. Billing	119
IV. ACTUAL USAGE OF BELL SOUTH'S INTERFACES TO DATE CONFIRMS THAT THEY ARE NOT OPERATIONALLY READY TO PROVIDE NONDISCRIMINATORY ACCESS	121
A. BellSouth's Own Data, Together With AT&T's Own Testing Experience. Demonstrate That the BellSouth Operations Support Systems Are Not Operationally Ready	122
1. Pre-Ordering	123
2. Ordering and Provisioning	124
3. Billing	133
B. BellSouth's Claims of Adequate, Successful Testing Are Contrary To Actual Experience. Including AT&T's Testing Of The EDI Interface	136
C. The Ernst & Young "Certification" or "Attestation" Provides No Support For BellSouth's Claim That Its Systems Are Operationally Ready	139
V. BELL SOUTH HAS NOT ESTABLISHED THAT IT HAS ADEQUATE CAPACITY TO MEET CLEC REQUIREMENTS	142
A. LEO, LESOG, and SOCS	149

	<u>Page</u>
B. Pre-Ordering Interfaces	150
C. Ordering/Provisioning Interfaces	152
D. The Maintenance and Repair Interfaces	155
E. The Billing Interfaces	157
F. BellSouth's Claims of Capacity Testing	157
CONCLUSION	161

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Second Application of BellSouth Corporation,)	CC Docket
BellSouth Telecommunications, Inc., and)	No. 98-121
BellSouth Long Distance, Inc., for Provision of)	
In-Region, InterLATA Services in Louisiana)	

AFFIDAVIT OF JAY M. BRADBURY
ON BEHALF OF AT&T CORP.

Jay M. Bradbury, being first duly sworn on oath, deposes and states as follows:

1. My name is Jay M. Bradbury. My business address is 1200 Peachtree Street, Atlanta, Georgia. Currently I am employed by AT&T Corp. ("AT&T") as a District Manager in the Law and Government Affairs Organization.
2. I graduated with a Bachelor of Arts degree from The Citadel in 1966. I have taken additional undergraduate and graduate courses at the University of South Carolina and North Carolina State University in Business and Economics.
3. I have been employed in the telecommunications industry for more than twenty-five years with AT&T, including 14 years with AT&T's then-subsiidiary, Southern Bell. I began my AT&T career in 1970 as a Chief Operator with Southern Bell's Operator Services Department in Raleigh, North Carolina. From 1972 through 1987, I held various positions within

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

Southern Bell's (1972 - 1984) and AT&T's (1984 - 1987) Operator Services Departments, where I was responsible for the planning, engineering, implementation and administration of personnel, processes and network equipment used to provide local and toll operator services and directory assistance services in North Carolina, South Carolina, Kentucky, Tennessee and Mississippi. In 1987, I transferred to AT&T's External Affairs Department in Atlanta, Georgia, where I was responsible for managing AT&T's needs for access network interfaces with South Central Bell, including the resolution of operational performance, financial and policy issues.

4. From 1989 through November 1992, I was responsible for AT&T's relationships and contract negotiations with independent telephone companies within the South Central Bell States and Florida. From November 1992 through April 1993, I was a Regulatory Affairs Manager in the Law and Government Affairs Division responsible for the analysis of industry proposals before regulatory bodies in the South Central states to determine their impact on AT&T's ability to meet its customers' needs with services that are competitively priced and profitable. In April 1993, I transferred to the Access Management Organization within AT&T's Network Services Division as a Manager - Access Provisioning and Maintenance, with responsibility for on-going management of processes and structures in place with Southwestern Bell to assure that its access provisioning and maintenance performance met the needs of AT&T's Strategic Business Units.

5. In August 1995, as a Manager in the Local Infrastructure and Access Management Organization, I became responsible for negotiating and implementing operational agreements with incumbent local exchange carriers needed to support AT&T's entry into the local

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

telecommunications market. I was transferred to the Law and Government Affairs Organization in June 1998, with the same responsibilities. One of my most important objectives in these negotiations has been to ensure that BellSouth provides AT&T with efficient and nondiscriminatory electronic access to BellSouth's Operations Support Systems ("OSS") throughout BellSouth's nine-state region. As part of my overall responsibilities, I have personally spent hundreds of hours in direct negotiations and implementation meetings with BellSouth personnel and subject matter experts. My activities have included direct participation in OSS implementation teams, review and analysis of data from the testing and use of BellSouth's interfaces as they are implemented, and continuing consultation with AT&T decisionmakers concerning OSS. In addition, I have testified on behalf of AT&T in a number of recent state public utility commission proceedings regarding OSS issues, including Section 271 proceedings in all nine states in the BellSouth region. I also testified on behalf of AT&T in the proceedings before this Commission regarding BellSouth's applications to provide in-region interLATA service in South Carolina¹ and Louisiana.²

¹ In the Matter of Application of BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In South Carolina, CC Docket No. 97-208, Memorandum Opinion and Order released Dec. 24, 1997 ("BellSouth South Carolina Order").

² In the Matter of Application of BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Louisiana, CC Docket No. 97-231, Memorandum Opinion and Order released Feb. 4, 1998 ("BellSouth Louisiana Order").

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

I. PURPOSE AND SUMMARY OF AFFIDAVIT

6. The purpose of my affidavit is to assess whether BellSouth has made available to AT&T the nondiscriminatory access to its OSS required by the Telecommunications Act of 1996 ("the 1996 Act"). BellSouth has made some incremental improvements in its OSS since the Commission issued its orders in the South Carolina and Louisiana proceedings.³ As described below, however, BellSouth has not even addressed (much less corrected) the fundamental deficiencies in its OSS that deny parity, notwithstanding the claims of nondiscriminatory access by BellSouth -- particularly by its witnesses William Stacy and David Scollard.⁴

³ BellSouth, for example, now offers a pre-ordering interface (EC-Lite) which, unlike its Local Exchange Navigation System ("LENS") interface, is a machine-to-machine interface that can be integrated both with a CLEC's own systems and with the Electronic Data Interchange ("EDI") ordering interface. See, e.g., Affidavit of William N. Stacy on operations support systems ("Stacy OSS Aff."), ¶¶ 21, 25. BellSouth has also removed from its pre-ordering interfaces the limitation of 100 reserved telephone numbers, or a volume of reserved numbers equal to five percent of the available numbers in the central office associated with the customer's address (whichever was less). Id., ¶ 38. BellSouth also now provides notices of rejection electronically in some situations, although -- as I describe below -- those notices encompass only a fraction of the types of orders and errors that are subject to rejection by BellSouth's systems. Id., ¶ 125; ¶¶ 187-188, infra.

⁴ See Application of BellSouth For Provision of In-Region, InterLATA Service in the State of Louisiana, filed July 9, 1998, pp. 17-31 ("Application"); Stacy OSS Aff., ¶¶ 2, 235; Affidavit of David Scollard ("Scollard Aff."), ¶¶ 1, 35. Mr. Stacy has also filed a separate affidavit regarding performance measurements ("Stacy PM Aff."), which is addressed primarily in the affidavit of AT&T's witnesses C. Michael Pfau and Katherine M. Dailey ("Pfau/Dailey affidavit"). Other BellSouth affidavits that will be addressed in my affidavit are the affidavits of John W. Putnam ("Putnam Aff."), Jan Funderburg ("Funderburg Aff."), Robert L. Yingling ("Yingling Aff."), John Shivanandan ("Shivanandan Aff."), and Laura Narducci ("Narducci Aff. ").

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

7. The duty to provide "nondiscriminatory access" means that the access provided to CLECs must be "the same" as,⁵ or "equal to,"⁶ the access that BellSouth provides to its own customer service representatives. In its Ameritech Michigan Order, the Commission reiterated: "We require, simply, that the BOC provide the same access to competing carriers that it provides to itself."⁷ In describing the obligation of nondiscriminatory access when it denied BellSouth's previous application to provide in-region, interLATA service in Louisiana, the Commission stated: "More simply put, new entrants must be able to provide service to their customers at a level that matches the quality of the service provided by the incumbent LEC." BellSouth Louisiana Order, ¶ 20; see also BellSouth South Carolina Order, ¶¶ 82, 88, 89.

8. Thus, contrary to the suggestion of Mr. Stacy, parity of access cannot be established merely by showing that a CLEC has some form of access to the same databases as

⁵ See First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (released August 8, 1996), ("Local Competition Order"), ¶ 523 ("the incumbent must provide the same access to competing providers that it provides to its own customer service representatives), ¶ 316 ("the incumbent must provide access to [OSS] functions under the same terms and conditions that they provide services to themselves or their customers") (emphasis added).

⁶ See id., ¶ 519 ("we generally rely upon" state commission orders "ordering incumbent LECs to provide interfaces for [OSS] access equal to that [which] the incumbent provides itself"); ¶ 315 (access must be provided on terms that are "equal to the terms and conditions under which the incumbent LEC provisions such elements to itself"); Second Order on Reconsideration in CC Docket No. 96-98, released December 13, 1996, ¶ 9 (OSS access must be "at least equivalent" or "equal to" the access that the incumbent LEC provides to itself) (emphasis added).

⁷ CC Docket No. 97-137, In the Matter of Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Michigan, Memorandum Opinion and Order released August 19, 1997 ("Ameritech Michigan Order"), ¶ 143.

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

BellSouth, or that a CLEC uses one fewer interface than a Bell Operating Company ("BOC") to serve its entire customer base. See Stacy OSS Aff., ¶¶ 8, 15, 79, 163. Through the design of the CLEC interfaces and its control over its OSS, BellSouth has the ability to discriminate against CLECs in their access to its systems.⁸ Unless access is provided to the CLEC with the same timeliness, reliability, and quality as that which BellSouth experiences in its own retail operations, BellSouth is not providing nondiscriminatory access. Ameritech Michigan Order, ¶ 139.

9. The Commission has characterized the obligation of nondiscriminatory access to OSS as a "fundamental obligation" of a BOC. Ameritech Michigan Order, ¶ 128. In addition, consistent with the 1996 Act's goal of promoting local exchange competition, incumbent LECs must provide OSS access "under terms and conditions that would provide an efficient competitor with a meaningful opportunity to compete."⁹

⁸ At various points in his affidavit Mr. Stacy asserts that BellSouth's legacy systems, such as the Regional Street Address Guide ("RSAG") and the Application for Telephone Number Load Administration and Selection ("ATLAS"), provide information without regard to whether the request came from the CLEC or from BellSouth. See Stacy OSS Aff., ¶¶ 30, 34. Although that assertion may be technically correct in one sense, BellSouth itself does know the source of the request, and has the ability to manipulate the extent of access to its systems based on whether the information is requested by a CLEC or by BellSouth's retail operations. For example, the preexisting BellSouth requirement that CLECs could not reserve more than 100 telephone numbers per NXX on the pre-ordering interface was never imposed on BellSouth's retail operations. See Stacy Aff., ¶ 38. Similarly, BellSouth's retail interfaces display address-related information that is not provided to CLECs, such as the previous occupant's name and telephone number, county name, and TAR codes. Id., Exhs. WNS-2 (p. 2), WNS-3, and WNS-4 (p. 2). In short, BellSouth has total control over the amount of data that CLECs receive.

⁹ BellSouth South Carolina Order, ¶ 98; Ameritech Michigan Order, ¶¶ 130, 141; Local Competition Order, ¶ 315

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

10. As part of the BOC's obligation to furnish nondiscriminatory access, the BOC must provide access that sufficiently supports each of the three modes of competitive entry strategies established by the 1996 Act: interconnection, unbundled network elements ("UNEs"), and resale. Id., ¶¶ 133, 215; BellSouth South Carolina Order, ¶ 141. The OSS functionalities "must support each of the modes of entry and must not favor one strategy over another." Ameritech Michigan Order, ¶ 133.

11. The reason for this requirement is clear. Robust, nondiscriminatory operations support systems are absolutely essential to the success of whatever method of entry a CLEC may choose. AT&T, for example, cannot succeed in its strategy of providing local exchange service through combinations of UNEs if its orders are rejected by BellSouth's systems or fall out for manual processing, if it cannot obtain information as quickly and reliably as BellSouth sales representatives, or if it lacks the business rules and documentation necessary to utilize the OSS. In such an environment, a CLEC would be a "market entrant" in name only. A carrier is unlikely to attract or retain customers if it cannot tell them when their service will be installed, why a scheduled installation did not take place, or what is the current status of their order.

12. When BellSouth's current OSS are measured against these standards, it is clear that the Commission's conclusion in the Louisiana proceeding six months ago remains true today: "[T]he marginal improvements that BellSouth made during this short time do not address the major deficiencies of BellSouth's operations support systems, i.e., that competing carriers do not have access to the basic functionalities at parity with BellSouth's own retail operations."

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

BellSouth Louisiana Order, ¶ 22. See also BellSouth South Carolina Order, ¶ 88. The essential picture has not changed; the interfaces that BellSouth offers to CLECs remain a hodgepodge that deny CLECs the same functionality, capability, timeliness, and accuracy that BellSouth enjoys in its own retail operations. Although the "enhancements" that BellSouth has made since the Louisiana proceeding constitute some improvement over the OSS as they existed at the time of BellSouth's previous filings, the critical deficiencies in the OSS that deny parity of access still exist.

13. Notwithstanding its highly misleading boasts about its "enhancements," BellSouth has failed to correct the inherent defects in its OSS that prompted the Commission's rejection of its applications. In some cases, BellSouth has taken little or no action to correct the defects found by the Commission. For example:

- The majority of CLEC orders submitted through BellSouth's EDI interface do not flow through. In fact, the flow-through rate for EDI orders is even lower, and the order rejection/fall-out rate on EDI even higher, than at the time BellSouth filed its previous Louisiana application.
- BellSouth is still not providing timely notification of errors or rejections. More than 80 percent of such notices are not fully electronic, but involve a substantial degree of human intervention and corresponding delay.
- Similarly, BellSouth still fails to provide timely notices of service jeopardies, sending such notices by fax rather than electronically.
- BellSouth still fails to provide CLECs with the same due date calculation functionality in the pre-ordering process that BellSouth enjoys in its retail operations.
- BellSouth still has not provided those CLECs using its LENS interface for pre-ordering with the specifications needed to deploy integrated pre-

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

ordering and ordering interfaces that are equivalent to the integrated interfaces used in BellSouth's retail operations.

Attachment 1 hereto summarizes the deficiencies previously found by this Commission regarding BellSouth's OSS, BellSouth's description of the changes that it has purportedly made in response to these findings, and AT&T's position (as expressed in my affidavit and the affidavits of other AT&T witnesses) regarding the degree of BellSouth's compliance ¹⁰

14. In other areas, BellSouth has created new barriers to access. Although BellSouth makes much of the introduction of its EDI issue 7 interface, EDI-7 has many of the preexisting deficiencies of its predecessor, EDI-6 -- and, as implemented by BellSouth, EDI-7 is even worse in some respects than EDI-6. For example, due to changes implemented by BellSouth in EDI-7, AT&T is no longer able to submit number portability orders electronically via EDI for subsequent partial migrations. Such orders, which could be submitted as long as EDI-6 was available, must now be submitted by fax -- if they can be submitted at all. Similarly, changes by BellSouth in its systems have precluded AT&T from submitting orders involving complex directory listings.

15. The deficiencies of EDI-7 simply illustrate what the Commission has previously recognized: Parity of access is not achieved simply because a BOC chooses to deploy a particular interface (or a version of an interface, such as EDI-6, EDI-7, or EDI-8). What matters is whether the BOC has properly implemented that interface so as to provide the

¹⁰ Attachment 1 is based on the summary of changes described by Mr. Stacy in his affidavit. See Stacy OSS Aff., ¶ 6 & pp. 12-17.

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

nondiscriminatory access that the 1996 Act requires. Here, the actual performance of the BellSouth interfaces demonstrates that BellSouth has failed to do so. BellSouth's inadequate performance is all the more damning because it is currently receiving only limited volumes of orders from CLECs. Accordingly, BellSouth has not met the requirements of the 1996 Act. Ameritech Michigan Order, ¶¶ 138, 189-191; BellSouth South Carolina Order, ¶ 103.

16. Equally important, BellSouth has not shown that its OSS support all three methods of competitive entry on a nondiscriminatory basis. Although the OSS deny parity of access to resellers, they are particularly discriminatory with respect to CLECs seeking to enter the market as facilities-based carriers or as users of UNEs. This is especially burdensome for carriers such as AT&T. AT&T has shifted its market entry strategy from resale, which has proved to be uneconomical, to facilities-based service (through AT&T Digital Link service, or "ADL") and the provision of service through UNE combinations. BellSouth's systems, however, effectively deny AT&T the electronic ordering capability that is critical to the success of these market entry strategies. Every order for a UNE combination that AT&T has submitted via EDI-7 testing through July 9, the date of BellSouth's filing, has been rejected. BellSouth's EDI requirements have forced AT&T to submit many orders for ADL service by fax and, indeed, have prevented AT&T from submitting some types of orders at all.

17. In light of current circumstances, BellSouth remains a considerable distance from compliance with the 1996 Act, because it has not provided the robust, non-discriminatory OSS that are required for each mode of entry contemplated by the 1996 Act. First, as discussed in Part II, even if the BellSouth OSS are designed to provide nondiscriminatory access (and they

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

are not). BellSouth still has not provided CLECs with the information (particularly specifications and business rules) that they need to use the interfaces and send orders over them as efficiently as possible. In fact, BellSouth has now either disavowed entirely, or acknowledged serious discrepancies in, some of the documents cited by Mr. Stacy as the source of BellSouth's business rules.

18. Even more egregiously, BellSouth has failed to establish, and follow, an effective change control procedure. The importance of adequate business rules and a proper change control process cannot be overstated. Given the complexity of BellSouth's systems, a CLEC cannot place orders successfully if it is denied access to the rules necessary for its orders to flow through those systems. Because changes in the system may well affect the CLEC's ordering capabilities, it is also vital that BellSouth follow an established change control process that includes proper notice, documentation, and collaboration.

19. BellSouth, however, has not done so. As I will explain below, in instance after instance BellSouth has unilaterally made changes in its systems that have disrupted CLEC operations and impeded the CLECs' ability to provide service through the entry strategies that they chose. Despite its professed endorsement of a change control process, BellSouth takes the remarkable position that even the limited change management process document which it signed with the CLECs only three months ago applies only to CLEC-requested changes -- not to changes initiated by BellSouth. Thus, BellSouth is asking this Commission to allow it to provide in-region interLATA service with the freedom to make changes in its OSS at its sole discretion, without consulting or notifying CLECs.

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

20. Second, as set forth in Part III, BellSouth has deployed electronic interfaces that are inherently incapable of providing nondiscriminatory access to its OSS for purposes of pre-ordering, ordering and provisioning, repair and maintenance, and billing. For example.

- Neither of the interfaces that BellSouth offers for pre-ordering enables CLECs to obtain firm, calculated due dates -- a deficiency that, as the Commission has recognized, severely impairs a CLEC's ability to compete. Moreover, the two pre-ordering interfaces lack a number of significant functionalities that BellSouth itself has in its retail operations.
- For ordering, BellSouth offers EDI Issue 7, an interface which -- like BellSouth's previous version of EDI which was found inadequate by the Commission -- cannot be used to order many important services and requires manual transmission and processing of many notices that should be handled electronically. For example, most of the unbundled network elements ("UNEs") offered by BellSouth still cannot be ordered electronically by CLECs via EDI, and almost two-thirds of orders submitted over the EDI interface fail to flow through BellSouth's legacy systems on an "end-to-end" basis. Even the aggregate BellSouth flow-through data (which includes LENS in addition to EDI) shows that nearly one-third of orders fail to flow through these two BellSouth ordering interfaces. BellSouth continues to refuse to develop electronic interfaces that would enable CLECs to provide local service through combinations of UNEs.
- For maintenance and repair, BellSouth currently offers a proprietary system ("TAFI") that cannot be integrated into a CLEC's own systems to permit machine-to-machine communications, and two electronic bonding interfaces which, although machine-to-machine interfaces, have functionality that is not as broad in scope as that of TAFI.
- For billing, BellSouth has not demonstrated that it is capable of providing Access Daily Usage Files or accurate bills.

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

21. Third, as discussed in Part IV, actual usage of the BellSouth interfaces by AT&T and other CLECs to date demonstrates that the interfaces remain far from achieving operational readiness. For example:

- As previously stated, BellSouth's own flow-through data show that nearly two-thirds of orders submitted via the EDI-7 interface fall out for manual processing. The flow-through rates, in addition to being substantially below those for BellSouth's retail operations, reveal BellSouth's ability to manipulate its processes through the inclusion of various edits and "errors" that have the effect of denying the CLECs' ordering ability by causing orders to fall out for manual processing or to be rejected altogether.
- By BellSouth's own admission, the number of BellSouth-caused errors that result in orders falling out to manual processing have substantially increased during the last few months
- CLECs are further impaired by BellSouth's deficient performance in providing timely notice of rejections or jeopardies. When orders transmitted electronically are rejected by BellSouth, BellSouth does not return rejection notices for days, leading to delays in service and customer inconvenience.
- The pre-ordering response times on EC-Lite are more than 14 seconds, several times those experienced on BellSouth's own retail systems.
- BellSouth's bills are persistently incomplete and riddled with errors

22. Finally, as set forth in Part V, BellSouth still has not shown that its interfaces are capable of handling the volume and complexity of functions required by CLECs, particularly by large-volume CLECs such as AT&T. BellSouth's reliance on its purported testing is misplaced, because capacity is best measured against commercial usage. Furthermore, BellSouth's assertions that its capacity is sufficient because it vastly exceeds actual usage is meaningless, given BellSouth's refusal to open its markets to viable competition. In essence,

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

BellSouth bases its claim of adequate capacity on the fruits of its discriminatory practices, which have made impossible the type of actual commercial usage that effectively tests capacity.

23. The descriptions of BellSouth's capacity by Mr. Stacy are totally unreliable, given their inconsistency with the capacity data that he presented only months ago. If correct, his current data show an actual decrease in the capacity of the EDI interface on which BellSouth relies. Finally, the Ernst & Young "attestation" of capacity sponsored by Mr. Putnam is based on generalized, unsupported assumptions that do not withstand scrutiny.

24. BellSouth's application does not change these facts. Although I will respond to particular assertions of BellSouth's witnesses throughout my affidavit, at the outset it is worth noting that BellSouth has, once again, sought to defend its OSS on the basis of two general approaches that have clearly been rejected by the Commission. First, BellSouth raises the issue of industry standards either to excuse a deficiency (arguing that no such standards exist with respect to the issue) or to prove the existence of nondiscriminatory access (arguing that BellSouth's interfaces meet or exceed industry standards).¹¹ The Commission, however, has squarely rejected this argument, recognizing that the applicable standard or measure is one of nondiscriminatory access; the lack of industry standards does not excuse a BOC from providing such access, and adherence to industry standards does not necessarily constitute nondiscriminatory access. BellSouth South Carolina Order, ¶ 121; BellSouth Louisiana Order, ¶ 40 n.141.

¹¹ See, e.g., Stacy OSS Aff., ¶¶ 7, 13, 97-99, 127, 150, 159, 173; Scollard Aff., ¶¶ 9, 25, 29

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

25. Second, BellSouth attempts to excuse its deficiencies by asserting that they will be corrected in the future. See Stacy OSS Aff., ¶¶ 46, 62, 70-71; Scollard Aff., ¶¶ 10, 21. Under the Commission's decisions, however, the only relevant question here is whether BellSouth meets its obligation to provide nondiscriminatory access at the time it filed its application; paper promises to correct OSS deficiencies are insufficient.¹² Whatever the future may hold, BellSouth is not now meeting its obligation to provide nondiscriminatory access.

26. Only two months ago, the Georgia Public Service Commission identified numerous significant deficiencies in BellSouth's OSS and ordered BellSouth to make numerous enhancements, which the PSC found necessary to "ensure that the systems meet the spirit and the intent of the Telecommunications Act of 1996" and to "aid entry by [CLECs] into the local market."¹³ Among other things, the PSC ordered BellSouth to implement by December 31, 1998 its proposed Application Program Interface ("API"), because API is "a significant step forward"

¹² Ameritech Michigan Order, ¶¶ 55, 179. The Commission applied this principle in considering BellSouth's Section 271 application for South Carolina, where Mr. Stacy promised in his affidavit that BellSouth would implement mechanized order processing for certain types of UNEs within the next week and asserted in his reply affidavit that this capability had in fact been implemented. The Commission gave no weight to this testimony. BellSouth South Carolina Order, ¶ 144 & nn.422-423 (refusing to consider post-filing measures, since Commission analyzes OSS as it existed at the time the application was filed).

¹³ See Docket No. 8354-U, Investigation Into Development of Electronic Interfaces for BellSouth's Operations Support Systems (Georgia PSC), Commission order issued June 4, 1998 ("Georgia OSS Order"), pp. 2, 4 & Appendix A. A copy of the PSC's order is attached hereto as Attachment 2.

AFFIDAVIT OF JAY M. BRADBURY
FCC DOCKET CC NO. 98-121

that "more closely replicates the methods by which BellSouth's own internal OSS interfaces operate than any other interface BellSouth offers to CLECs "¹⁴

27. In view of the Georgia PSC's order (which BellSouth did not appeal), BellSouth cannot plausibly assert that its OSS provide parity of access. BellSouth has not even corrected all of the specific deficiencies in its OSS that this Commission cited in its South Carolina and Louisiana orders, much less the numerous other deficiencies that deny parity. For these reasons, BellSouth's claims that its OSS offer nondiscriminatory access are premature. BellSouth remains far away from satisfying its OSS obligations under the 1996 Act.

II. BELLSOUTH HAS NOT PROVIDED CLECS WITH THE ASSISTANCE NECESSARY FOR PROPER IMPLEMENTATION OF ITS INTERFACES.

28. Even if, as designed, a BOC's OSS would provide nondiscriminatory access (and BellSouth's are not so designed, as I will describe below), they cannot do so in actual operation unless CLECs receive from the BOC the assistance necessary to use the OSS successfully. OSS are, by their nature, highly complex. Unless a CLEC knows all of the BOC's requirements governing the submission of electronic orders, its orders will be rejected altogether or fall out for manual processing. Thus, it is essential that the BOC provide the CLEC with the documentation, including any internal business rules, containing all such requirements.

¹⁴ Id., pp. 9, 12, 16. The PSC noted that among the benefits of API (which BellSouth also describes as the Telecommunications Access Gateway, or "TAG") are its greater integration of the pre-ordering and ordering functions, and the fact that API is based on one of the two industry standards for pre-ordering identified by the Electronic Communications Implementation Committee ("ECIC"). Id., p. 9. BellSouth has stated its intention to implement the pre-ordering functionality of API on August 30, 1998, and the ordering functionality of API on November 1, 1998.